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| re Appla   | cation of: Ernst KE  | ELLER et al.   |  |   |  |  | Art Unit:   | 3676   |                                    |           |                               |                              |             |
| pplication   | No.: 10/541,069  |  | 371 (c) d  | ated:   |  |  | Examiner:   | A. M. ME   | RLINO                              |           |                               |                              |             |
| led: April 21, 2006  |  |  |  |   |  | Washington, D.C.   |   |  |                                    |           |                               |                              |             |
| or: ELECTRONIC LOCKING DEVICE AND SECURITY KEY   |  |  |  |   |  |  | Attv.'s Do  | oket: KEL  | LER-17                             |           |                               |                              |             |
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| onorable<br>S. Patent<br>andolph I   | Commissioner for Pat<br>t and Trademark Offic<br>Building, 401 Dulany S<br>, Virginia 22314  | ents<br>e  |  |   |  |  |   | y 2.7, 300   | ,                                  |           |                               |                              |             |
| r  |  |  |  |   |  |  |   |  |                                    |           |                               |                              |             |
| ransmitte  | d herewith is a REPL   | у то сом   | MUNICATION OF  | January 12, 2009  | in the above-is  | lentified applie   | ation.  |  |                                    |           |                               |                              |             |
|  | all Entity Status: App   |  | m small entity status.   | See 37 C.F.R. §1.2  | 7.   |  |   |  |                                    |           |                               |                              |             |
|  | additional fee is requi  |  | below:   |   |  |  |   |  |                                    |           |                               |                              |             |
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Facsimile: (202) 737-3528 Telephone: (202) 628-5197 SN,jnj G\BN\MSLE\KELLER17\PTO\2009-01-27Coversn.doc (202) 737-3528 (202) 628-5197

By: Sheridan Neimark Registration No. 20,520

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## REPLY TO COMMUNICATION OF JANUARY 12, 2009

Customer Service Window Randolph Building, Mail Stop <u>Amendment</u> 401 Dulany Street Alexandria, VA 22314

Sir:

The communication of January 12, 2009, alleges that applicants' remarks of the Reply filed October 14, 2008, do not meet the requirements of 37 CFR 1.111 with respect to claim 33. Applicants respectfully traverse such a conclusion as errouneous, and therefore traverse entirely the communication of January 12, 2009, and request that it be withdrawn

The PTO communication of January 12, 2009, does not indicate what part of Section 1.111 has been violated, but from the text at the top of page 2 thereof, applicants assume

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that the examiner is relying on the last paragraph of 37 CFR 1.111(b), which states:

A general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section.

However, contrary to the Communication of January 12, 2009, applicants' reply of October 14, 2008, fully complies with the requirements of 37 CFR 1.111 with respect to claim 33 as pointed out below.

In the third paragraph on page 7 of the October
 Reply, applicants stated as follows:

..., applicant has drafted new independent claim 33... to eliminate each of the problems identified by the examiner, with the exception of changing "the axis" to "an axis", as "the" axes claim is inherent to the security key and requires no further antecedent basis.

Applicants thus fully replied in this regard.

 At the end of the first paragraph on page 8 of the October 14 reply, applicants stated as follows:

Applicant respectfully traverses these rejections as applied to new independent claim 33 and amended independent 27 and claims dependent therefrom.

Applicants thus specifically traversed the rejection with respect to new claim 33.

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3. After thoroughly discussing the prior art and pointing out why the claims define over the prior art as applied in the rejections, applicants stated as follows at the middle of page 11 of the October 14 reply:

(6) Finally, even if there were a teaching of all of the above prior art combinations (not admitted), Applicant submits there is no teaching whatever of the claimed caps' relative location to the elements claimed on the security key when the cap is secured on the key as set out in the last paragraph of either independent claim 33 or 27. (Emmohasis added)

The aforementioned remarks thus specifically state with respect to new independent claim 33, that the prior art provides "no teaching whatsoever" of the relative location of the claimed cap to the elements claimed on the security key when the cap is secured on the key as set forth in the last paragraph of new claim 33.

Applicants respectfully submit that claim 33 is fully supported by applicants' specification, and that applicants have fully complied with 37 CFR 1.111 in the reply filed on October 14, 2008.

However, if more is needed, applicants now specifically note that claim 33 defines patentable subject matter for the reasons set forth in numbered paragraphs (1) through (6) as set forth on pages 8-11 of the Reply filed October 14, 2008, not just only numbered paragraph (6). In

other words claim 33 defines patentable subject matter over the prior art for the same reasons that claim 27 defines patentable subject matter over the prior art.

If applicants have misunderstood the PTO communication of January 12, 2009, the favor of a clarification would be requested. Otherwise, applicants maintain that the Reply of October 14, 2008, was proper and fully responsive, and moreover has been amplified above with respect to the applicability of paragraphs (1) through (6) to claim 33.

Applicants now await the results of a further examination on the merits, and again respectfully request favorable reconsideration and allowance.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C. Attorneys for Applicant(s)

Sheridan Neimark

Registration No. 20,520

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Telephone No.: (202) 628-5197 Facsimile No.: (202) 737-3528

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